

### Remarks

Claims 66, 68, 72-75 and 77-81 are amended and claim 67 is canceled. Thus, claims 66 and 68-83 are pending. No new matter was added by way of amendment.

#### The 35 U.S.C. § 103 Rejections

The Examiner rejected claims 66, 73-76 and 81-83 under 35 U.S.C. § 103(a) as being unpatentable over Reutelingsperger (U.S. 5,627,036) in view of Patz (EP 163 294). The Examiner also rejected claim 72 under 35 U.S.C. § 103(a) as being unpatentable over Reutelingsperger (U.S. 5,627,036) in view of Patz (EP 163 294) as applied to claims 66, 73-76 and 81-83 above, and further in view of Tait (U.S. 5,632,986). The Examiner rejected claims 79 and 80 under 35 U.S.C. § 103(a) as being unpatentable over Reutelingsperger (U.S. 5,627,036) in view of Patz (EP 163 294) as applied to claims 66, 73-76 and 81-83 above, and further in view of Kruper Jr. (U.S. 5,489,425). These rejections are respectfully traversed.

Claim 66 was amended to include the subject matter of claim 67. As the Examiner did not reject claim 67 under 35 U.S.C. § 103(a) as being unpatentable in view of the cited documents, Applicant respectfully submits that the amendment to claim 66 renders the rejections under 35 U.S.C. § 103(a) moot. Thus, applicant respectfully requests withdrawal of this rejection.

#### The Double Patenting Rejection

The Examiner rejected claims 66-83 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-21 of U.S. Patent No. 5,968,477. This rejection is respectfully traversed.

As amended, the instantly claimed conjugates do not possess an annexin that is modified to provide an accessible sulfhydryl group to which the hexose moiety or the chelating compound is conjugated. However, this feature is required in the conjugates recited in claims 1-21 of U.S. Patent No. 5,968,477. It is respectfully submitted that the instantly claimed conjugates are structurally distinct from and not *prima facie* obvious over the conjugates of the claims of U.S. Patent No. 5,968,477. Accordingly, withdrawal of this rejection is respectfully requested.

The 35 U.S.C. § 102(f) Rejection

The Examiner rejected claims 66-83 under 35 U.S.C. § 102(f) allegedly because the applicant did not invent the claimed subject matter. This rejection is respectfully traversed.

Applicant respectfully submits that U.S. Patent No. 5,968,477 is in the same patent lineage as the above-identified application (e.g., the instant application claims priority to, *inter alia*, U.S. Patent No. 5,968,477). Alan R. Fritzberg and Jonathan M Tait were removed as inventors in the above-identified application because, as a result of the Preliminary Amendment submitted with the filing of the application, the invention to which they contributed is no longer being claimed in the application.

Louis J. Theodore was added as an inventor in the above-identified application because, as a result of the Preliminary Amendment submitted with the filing of the application, the invention to which he contributed is currently being claimed. In a prior related application, U.S. Patent Application No. 09/291,823, or related patent, U.S. Patent No. 5,968,477, the invention to which he contributed was not claimed. In another prior related application, U.S. Patent Application No. 08/351, 653, this inventor was a named inventor based on the claims as filed.

All three inventors in the above-identified application, Sudhakar Kasina, John M. Reno and Louis J. Theodore, have assigned their interest in the above-identified application to NeoRx Corporation.

Additionally, the inventorship (Sudhakar Kasina, John M. Reno and Louis J. Theodore) and assignee (NeoRx Corporation) designation in the above-identified application is the same as that designated in the immediately prior application (U.S. Patent Application No.10/455,935) and the application immediately prior to U.S. Patent Application No.10/455,935 (U.S. Patent Application No. 09/632,387).

Therefore, the invention claimed in the instant claims was made by the inventors and a rejection under 35 U.S.C. § 102(f) is without foundation. Accordingly, withdrawal of this rejection is respectfully requested.

**Conclusion**

Applicant respectfully submits that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney at (612) 373-6905 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

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By their Representatives,

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**CERTIFICATE UNDER 37 CFR 1.8:** The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Mail Stop Amendment, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 16<sup>th</sup> day of January, 2006.

Name

Signature